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11 Richard L. Campbell, MA Bar No. 663934 (*Pro Hac Vice*)
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13 125 Summer Street, Ste. 1220
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15 *Attorneys for Defendants Monsanto Company,
Solutia Inc., and Pharmacia LLC (Additional Counsel on Signature Page)*

16 **UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

17 CITY OF SPOKANE, a municipal
18 corporation, located in the County of
Spokane, State of Washington,

19 Plaintiff,
20 v.
21

22 **DEFENDANTS' TRIAL WITNESS
23 LIST**

24 MONSANTO COMPANY, SOUTIA
INC., and PHARMACIA
CORPORATION, and DOES 1 - 100,

Defendants.

1 Defendants, Monsanto Company, Solutia Inc. and Pharmacia Corporation,
2 submit this Trial Witness List pursuant to ECF No. 307 and Fed. R. Civ. Proc.
3 26(a)(3). These pretrial disclosures are based on the information available to
4 Defendants at this time. Defendants reserve the right to amend, supplement or
5 modify these disclosures as new information becomes known to them pursuant to
6 Fed. R. Civ. P. 26(e).

7 **I. WITNESSES DEFENDANTS EXPECT TO CALL AT TRIAL**

8 Pursuant to Fed. R. Civ. P. 26(a)(3)(A)(i), Defendants identify the following
9 witnesses it presently expects to call at trial.

10 **A. Fact Witnesses**

11 1. Robert G. Kaley II, Ph.D.

12 To be contacted through Defendants' counsel.

13 Dr. Kaley is an analytical chemist who was employed by Old Monsanto,
14 n/k/a Pharmacia Corporation from December 1974 through September 1997 and
15 then for Solutia Inc. through August 2003. The general nature of the subject
16 matters on which Dr. Kaley is expected to testify include, but are not necessarily
17 limited to, a discussion of the history of Monsanto's manufacture, sales (and
18 withdraw from sales), marketing, uses, product testing, safe handling and disposal
19 of PCBs, as well as a discussion regarding customer communications, product
20 warnings, and environmental warnings about PCBs.

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1 **B. Expert Witnesses**

2 2. Dr. Paul Boehm
3 Exponent
4 1 Mill & Main, Suite 150
5 Maynard, Massachusetts 01754
6 Telephone: 978.461.4601

7 Dr. Boehm is an environmental scientist and is well-known internationally in
8 the field of aquatic and marine pollution, especially in matters involving coastal and
9 urban areas. He has investigated and published extensively on the ecological effects
10 of many major oil or chemical releases in the United States.

11 The general nature of the subject matters on which Dr. Boehm is expected to
12 testify includes facts and opinions about exposures and ecological issues pertaining
13 to the presence of polychlorinated biphenyls (“PCBs”) and other constituents in the
14 Spokane River; the current ecological health of the resources residing in and
15 associated with ecological habitats in the Spokane River; historical actions that
16 have caused ecological effects and changes to the Spokane River; and the role of
17 other chemicals in costs incurred related to stormwater, wastewater and BUIs and
18 Plaintiff’s Clean Water Act requirements. A more complete description of the
19 facts, data and opinions about which Dr. Boehm is expected to testify at trial is set
20 forth in the expert report of Dr. Boehm, the attachments and related materials, all
21 of which are incorporated by reference herein. Dr. Boehm may also testify
22 regarding the methodologies and conclusions of Plaintiff’s retained and non-
23 retained experts.

24 Dr. Boehm is unavailable for trial April 13-24, 2020.

1 3. William H. Desvouges, Ph.D.
2 W.H. Desvouges & Associates, Inc.
3 168 Spartina Avenue
4 St. Augustine, Florida 32080
5 Telephone: 904.217.3534

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8 Dr. Desvouges is an economist who has conducted economic valuation
9 studies for more than 35 years and is published in peer-reviewed publications in
10 this area. He has been designated by Defendants to offer opinions regarding
11 whether PCBs have interfered with the beneficial uses of the San Diego Bay ("the
12 Bay") or caused natural resource damages.

13 The general nature of the subject matters on which Dr. Desvouges is
14 expected to testify includes facts and opinions about whether PCBs have interfered
15 with the free use of the Spokane River, including for recreation, commerce,
16 navigation and fisheries. Dr. Desvouges will also testify regarding the limitation
17 to use of the Spokane River caused by conventional water quality pollutants
18 associated with the City's combined sewage outfalls. A more complete description
19 of the facts, data and opinions about which Dr. Desvouges is expected to testify at
20 trial is set forth in the expert report of Dr. Desvouges, the attachments and related
21 materials, all of which are incorporated by reference herein. Dr. Desvouges may
22 also testify regarding the methodologies and conclusions of Plaintiff's' retained
23 and non-retained experts.

1 4. David L. Eaton, Ph.D., DABT, FATS
2 University of Washington
3 4225 Roosevelt Way, NE, Suite 100
4 Seattle, Washington 98195
5 Telephone: 206.685.3785

6 Dr. Eaton is a toxicologist who has been certified as a Diplomate of the
7 American Board of Toxicology since 1981 and is a Fellow of the Academy of
8 Toxicological Sciences.

9 The general nature of the subject matters on which Dr. Eaton is expected to
10 testify includes facts and opinions about general principles of toxicology and the
11 principles of toxicology as they relate to the assessment of the toxicological risks
12 of PCBs found in edible fish in the Spokane River; the state of the science of
13 toxicology for industrial chemicals from the 1930s to today; the absence of any
14 standard industry practice or statutory, regulatory, or industrial requirements
15 between the 1930s and 1960s to conduct animal cancer tests on industrial
16 chemicals; and the unlikelihood that animal tests for cancer during the 1930s to
17 1960s would have found a statistically significant increase in tumors from PCBs.
18 A more complete description of the facts, data and opinions about which Dr. Eaton
19 is expected to testify at trial is set forth in the expert report of Dr. Eaton, the
20 attachments and related materials, all of which are incorporated by reference
21 herein. Dr. Eaton may also testify regarding the methodologies and conclusions of
22 Plaintiff's' retained and non-retained experts.

1 5. Michael Goodman, M.D., M.P.H.
2 Emory University Rollins School of Public Health
3 1518 Clifton Rd., NE CNR 3021
4 Atlanta, Georgia 30322
5 Telephone: 404.727.2734

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10 Dr. Goodman is a Professor in the Department of Epidemiology at Emory
11 University School of Public Health. He has earned both his M.D. and his M.P.H.
12 and is a licensed physician in both pediatrics and preventive medicine. Dr.
13 Goodman's areas of scientific research include epidemiology of non-
14 communicable diseases, preventive medicine, and children's health. He has
15 published 220 articles in literature reviews, at least 25 of which are categorized as
16 systematic reviews.

17 The general nature of the subject matters on which Dr. Goodman is expected
18 to testify includes facts and opinions about the association, if any, between
19 exposures to PCBs at levels typically found in the environment and
20 neurodevelopmental measures in children. A more complete description of the
21 facts, data and opinions about which Dr. Goodman is expected to testify at trial is
22 set forth in the expert report of Dr. Goodman, the attachments and related
23 materials, all of which are incorporated by reference herein. Dr. Goodman may
24 also testify regarding the methodologies and conclusions of Plaintiff's' retained
 and non-retained experts.

1 6. Kurt Herman, M.Eng., P.G.
2 Gradient Corp.
3 20 University Road
4 Cambridge, Massachusetts 02138
5 Telephone: 617.395.5000

6 Dr. Herman is a Principal at Gradient Corp. with approximately 20 years of
7 academic and professional experience in the environmental field. He works on
8 complex environmental issues that draw upon his multidisciplinary background in
9 economics, environmental engineering and geology. He has led site
10 characterization, remediation and/or decommissioning efforts at dozens of sites in
11 the United States and internationally.

12 The general nature of the subject matters on which Dr. Herman is expected
13 to testify includes facts and opinions about the impact of sewage, phosphorous and
14 metals on the Spokane River; the levels of PCBs in the Spokane River; byproduct
15 and fire safety PCBs identified in the Spokane River; the City of Spokane's actions
16 related to the Spokane River; the City of Spokane's municipal separated storm
17 water sewer system and its permits. A more complete description of the facts, data
18 and opinions about which Mr. Herman is expected to testify at trial is set forth in
19 the expert report of Mr. Herman, the attachments and related materials, all of
20 which are incorporated by reference herein. Mr. Herman may also testify
21 regarding the methodologies and conclusions of Plaintiff's' retained and non-
22 retained experts.

1 7. Michael C. Kavanaugh, Ph.D., P.E., BCEE
2 Geosyntec Consultants
3 1111 Broadway, 6th Floor
4 Oakland, California 94607
5 Telephone: 510.836.3034

6 Dr. Kavanaugh is a Senior Principal Environmental Engineer at Geosyntec.
7 He has over 35 years of experience focused on the areas of water quality, water
8 treatment and groundwater remediation. Dr. Kavanaugh has contributed to over 80
9 technical publications and more than 150 presentations to audiences that included
10 congressional and state committees. He is an instructor for the Princeton
11 Groundwater Course and a consulting professor in the Stanford University Civil
12 and Environmental Engineering Department.

13 The general nature of the subject matters on which Dr. Kavanaugh is
14 expected to testify includes facts and opinions about the City of Spokane's
15 historical practices regarding discharge of sewage into the Spokane River; the City
16 of Spokane's wastewater and storm water management systems and PCBs lack of
17 impact on the systems; the design, construction and operation of the planned or
18 implemented upgrades to the storm water and wastewater systems; Spokane
19 River's compliance with the water quality criterion for PCBs; discharges from the
20 City of Spokane's storm water and wastewater systems to the Spokane River. A
21 more complete description of the facts, data and opinions about which Dr.
22 Kavanaugh is expected to testify at trial is set forth in the expert report of Dr.
23 Kavanaugh, the attachments and related materials, all of which are incorporated by
24 reference herein. Dr. Kavanaugh may also testify regarding the methodologies
 and conclusions of Plaintiff's' retained and non-retained experts.

25 Dr. Kavanaugh is unavailable for trial April 13-17, 2020.

1 8. Russell E. Keenan, Ph.D.
2 Integral Consulting Inc.
3 45 Exchange Street, Suite 200
4 Portland, Maine 04101
5 Telephone: 207.874.9000

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12 Dr. Keenan is Vice President and Principal Toxicologist at Integral
13 Consulting Inc. He has 30 years of experience specializing in chemical risk
14 assessment and toxicology, with much of his work focusing on assessing human
15 health and ecological risks of chemicals in the environment and assisting in
16 making determinations about safe levels of substances in the environment. Dr.
17 Keenan has served as an invited expert on numerous technical and regulatory
18 panels, including several chemical-specific expert review panels for the
19 independent nonprofit organization, Toxicology Excellence for Risk Assessment.

20 The general nature of the subject matters on which Dr. Keenan is expected
21 to testify includes facts and opinions about the safety of the Spokane River with
22 respect to PCBs for individuals residing along the Spokane River and for all
23 common, real-world recreational uses, including the concentrations of PCBs in fish
24 tissue not presenting a safety concern for human consumption. A more complete
25 description of the facts, data and opinions about which Dr. Keenan is expected to
26 testify at trial is set forth in the expert report of Dr. Keenan, the attachments and
27 related materials, all of which are incorporated by reference herein. Dr. Keenan
28 may also testify regarding the methodologies and conclusions of Plaintiff's'
29 retained and non-retained experts.

1 9. John H. Koon, Ph.D.
2 John H. Koon & Associates
3 1971 Breckenridge Drive, NE
4 Atlanta, Georgia 30345
5 Telephone: 404.634.0829

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8 Dr. Koon is an Environmental Engineer who specializes in waste disposal
9 practices of industrial chemical manufacturers. He is a Professor of Environmental
10 Engineering at Georgia Institute of Technology, and has consulted with industrial
11 chemical manufacturers on their waste disposal practices.

12 The general nature of the subject matters on which Dr. Koon is expected to
13 testify includes facts and opinions about chemical waste disposal regulations and
14 practices, including landfills and incineration; waste disposal recommendations
15 generated by manufacturers of bulk industrial chemicals from the 1930s to 1970s;
16 and Monsanto's provision of waste disposal recommendations and warnings to its
17 customers regarding PCBs. A more complete description of the facts, data and
18 opinions about which Dr. Koon is expected to testify at trial is set forth in the
19 expert report of Dr. Koon, the attachments and related materials, all of which are
20 incorporated by reference herein. Dr. Koon may also testify regarding the
21 methodologies and conclusions of Plaintiff's' retained and non-retained experts.

22 Dr. Koon is unavailable for trial April 7, 9, 14, 16-22, 2020.

1 11. Harri A. Kytömaa, Ph.D., P.E., CFEI, CFI
2 Exponent
3 9 Strathmore Rd
4 Natick, Massachusetts 01760
5 Telephone: 508.652.8519

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9 Dr. Kytömaa is a professional engineer, a Certified Fire and Explosion
10 Investigator (CFEI), and fire safety expert at Exponent. Dr. Kytömaa specializes
11 in analysis of thermal and flow processes and applies his expertise to the
12 investigation and prevention of failures in mechanical systems and the origin and
13 cause of fires and explosions.

14 The general nature of the subject matters on which Dr. Kytömaa is expected
15 to testify includes facts and opinions about engineering principles and issues as
16 they relate to fire safety and technical requirements, particularly in regard to
17 electrical equipment, hydraulic systems, and heat exchange systems; the historical
18 development of fire safety codes, laws, regulations and guidelines, as well as fire
19 detection and suppression systems; and fluids used in electrical equipment,
20 hydraulic systems and heat exchange systems. A more complete description of the
21 facts, data and opinions about which Dr. Kytömaa is expected to testify at trial is
22 set forth in the expert report of Dr. Kytömaa, the attachments and related materials,
23 all of which are incorporated by reference herein. Dr. Kytömaa may also testify
24 regarding the methodologies and conclusions of Plaintiff's' retained and non-
 retained experts.

25 Dr. Kytömaa is unavailable for trial April 20-22, 2020 and April 27-May 15,
26 2020.

1 12. Maureen T. F. Reitman, Sc.D.
2 Exponent
3 9 Strathmore Road
4 Natick, Massachusetts 01760
5 Telephone: 508.652.8519

6 Dr. Reitman is a licensed Professional Engineer, practicing in the field of
7 polymer science and engineering. She is a Group Vice President and Principal
8 Engineer at Exponent. Dr. Reitman is a member of the Board of Directors of the
9 Medical Plastics Division and the Failure Analysis and Prevention Special Interest
10 Group of the Society of Plastics Engineers as well as an active member of two
11 Underwriters Laboratories Standard Technical Panels, addressing Polymeric
12 Materials (UL 94, UL 746, UL 1694) and Appliance Wiring (UL758).

13 The general nature of the subject matters on which Dr. Reitman is expected
14 to testify includes facts and opinions about basic principles relating to plasticizers;
15 the historical development of plasticizers and use of PCBs in plasticizers; the
16 advantages, disadvantages, uses and selection of various types of plasticizers,
17 including fire safety issues; trends in the development and sale of plastics and
18 plasticizers, including Aroclors, in the United States during the 20th Century
19 including up to the 1970s; the availability and suitability of substitutes for PCBs in
20 these applications; information provided by Monsanto regarding plasticizers; and
21 the condition and composition of plasticizers found in and around the Spokane
22 River. A more complete description of the facts, data and opinions about which
23 Dr. Reitman is expected to testify at trial is set forth in the expert report of Dr.
24 Reitman, the attachments and related materials, all of which are incorporated by
 reference herein. Dr. Reitman may also testify regarding the methodologies and
 conclusions of Plaintiff's' retained and non-retained experts.

1 Dr. Reitman is unavailable for trial April 15-24, 2020; April 29-May 5,
2 2020; and May 12-13, 2020.

3 13. John D. Schell, Ph.D.
4 TEA, Inc.
5 172 Creekside Park, Suite 105
Spring Branch, Texas 78070
Telephone: 225.767.3880

6 Dr. Schell is a toxicologist with over 30 years of environmental assessment
7 experience, focusing on human health and ecological impacts of PCBs and
8 numerous other chemicals, and has published extensively in this field. Dr. Schell
9 received his Ph.D. in Toxicology from the University of Medicine and Dentistry of
10 New Jersey, Rutgers University, and is a former professor at the University of
11 Florida.

12 The general nature of the subject matters on which Dr. Schell is expected to
13 testify includes facts and opinions about the association, if any, between exposure
14 to PCBs and (i) developmental and neurodevelopmental effects in humans; (ii)
15 neurotoxic effects in adult humans; (iii) reproductive dysfunction; (iv) pubertal
16 development; (v) liver injury; (vi) endocrine disruption; (vii) cardiovascular
17 disease; and (viii) metabolic syndrome. Dr. Schell is also expected to testify about
18 studies of potential associations between exposures to PCBs and (i) developmental
19 and neurodevelopmental effects in humans; (ii) neurotoxic effects in adult humans;
20 (iii) reproductive dysfunction; (iv) pubertal development; (v) liver injury; (vi)
21 endocrine disruption; (vii) cardiovascular disease; and (viii) metabolic syndrome.

22 A more complete description of the facts, data and opinions about which Dr. Schell
23 is expected to testify at trial is set forth in the expert report of Dr. Schell, the
24 attachments and related materials, all of which are incorporated by reference

1 herein. Dr. Schell may also testify regarding the methodologies and conclusions of
2 Plaintiff's' retained and non-retained experts.

3 14. Peter G. Shields, M.D.
4 The Ohio State University Medical Center
5 460 W. 10th Avenue, 9th Floor, Suite D920
6 Columbus, Ohio 43210-1240
7 Telephone: 614.293.8000

8 Dr. Shields is a professor in the Department of Internal Medicine in the
9 College of Medicine and the Department of Epidemiology at the College of Public
10 Health at The Ohio State University. He has expertise in cancer risk, cancer
11 causation, carcinogenesis, epidemiology, and hematology/oncology and has
12 published more than 240 papers in scientific journals in these areas.

13 The general nature of the subject matters on which Dr. Shields is expected to
14 testify includes facts and opinions about the art and science regarding the
15 molecular, genetic, and environmental mechanisms of carcinogenicity; the
16 principles of epidemiology, including cancer epidemiology; and medical and
17 epidemiological literature regarding the relationship, if any, between PCBs and
18 other chemicals and cancers. Dr. Shields is also expected to offer facts and
19 opinions regarding the hypothesized genotoxicity of PCBs. He is also expected to
20 provide facts and opinions relating to the pharmacokinetics of PCBs in humans,
21 including their absorption, metabolism, and excretion. A more complete
22 description of the facts, data and opinions about which Dr. Shields is expected to
23 testify at trial is set forth in the expert report of Dr. Shields, the attachments and
24 related materials, all of which are incorporated by reference herein. Dr. Shields
 may also testify regarding the methodologies and conclusions of Plaintiff's'
 retained and non-retained experts.

1 15. David L. Sunding, Ph.D.
2 The Brattle Group
3 201 Mission Street
4 Suite 2800
5 San Francisco, California 94105
6 Telephone: 415.217.1000

7 Dr. Sunding holds the Thomas J. Graff Chair of Natural Resource
8 Economics at the University of California Berkeley. He is the founding director of
9 the Berkeley Water Center and currently serves as the chair of his department. Dr.
10 Sunding has extensive experience in the economics of the environment, natural
11 resources, energy and agriculture. He has won numerous awards for his research,
12 including grants from the National Science Foundation and the United States
13 Environment Protection Agency.

14 The general nature of the subject matters on which Dr. Sunding is expected
15 to testify includes facts and opinions about the impact of fish advisories on
16 consumption of fish from the Spokane River; the consumption rate of fish from
17 the Spokane River; analysis of fish consumption survey data related to the Spokane
18 River; use of the Spokane River for recreational activities; use of the Spokane
19 River for fishing; A more complete description of the facts, data and opinions
20 about which Dr. Sunding is expected to testify at trial is set forth in the expert
21 report of Dr. Sunding, the attachments and related materials, all of which are
22 incorporated by reference herein. Dr. Sunding may also testify regarding the
23 methodologies and conclusions of Plaintiff's' retained and non-retained experts.

24 Dr. Sunding is unavailable April 6, 8, 13, 15, 20, 22, 27, 29, 2020 and May
25 4, 6, 11 and 13, 2020.

1 16. John Woodyard, P.E., Q.E.P
2 610 Paradise Lane
3 Libertyville, Illinois 60048
4 Telephone: 847.826.8131

5 Mr. Woodyard is a registered Professional Engineer specializing in
6 environmental cleanup. He holds a Master's Degree in Mechanical Engineering
7 from the University of Illinois. He has over 40 years of professional experience,
8 the majority of which has been focused on the regulation, management and cleanup
9 of PCBs. Mr. Woodyard has participated in over 100 PCB projects for industry
10 and government clients.

11 The general nature of the subject matters on which Mr. Woodyard is
12 expected to testify includes facts and opinions regarding the regulatory background
13 controlling manufacture, sale, use, storage, handling, disposal and cleanup of PCBs
14 since the 1970s; industry practices associated with PCB handling and disposal
15 generally; PCB sources in the Spokane watershed including the contribution from
16 by-product PCBs; PCB use, disposal and cleanup local sites where PCBs were
17 used, disposed of and cleaned up from within the Spokane River
18 watershed/sewershed; the extent of the City of Spokane's involvement in PCB
19 issues, including regarding PCB cleanups within the watershed. A more complete
20 description of the facts, data and opinions about which Mr. Woodyard is expected
21 to testify at trial is set forth in the expert report of Mr. Woodyard, the attachments
22 and related materials, all of which are incorporated by reference herein. Mr.
23 Woodyard may also testify regarding the methodologies and conclusions of
24 Plaintiff's' retained and non-retained experts.

25 Mr. Woodyard is unavailable for trial May 4-5, 2020.

1 Defendants reserve the right to call any witness listed or called by any of the
2 parties to this lawsuit. If any witness does not appear Defendants reserve the right
3 to use his or her deposition testimony in lieu of live testimony. Defendants further
4 reserve the right to use the transcripts as the Rules of Evidence and the Court
5 permits.

6 **II. DEPOSITION TESTIMONY**

7 Defendants expect to use the deposition testimony of the Plaintiff's
8 corporate designees, Lars Hendron, Marcia Davis, Marlene Feist and Scott
9 Windsor. Defendants also intend to present the testimony of Plaintiff's employee
10 Mike Coster by deposition. The deposition designations have been served on
11 Plaintiff as required by ECF No. 307.

12 Defendants also reserve the right to use deposition testimony should any
13 witness listed above become unavailable at the time of trial.

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Respectfully submitted this 10th day of January, 2020.

By: s/ Geana M. Van Dessel
Geana M. Van Dessel, WSBA #35969
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Michael W. Cromwell, MO Bar No. 70484
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1 Attorneys for Defendants Monsanto
2 Company, Solutia Inc., and Pharmacia LLC
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CERTIFICATE OF SERVICE

2 I certify that on January 10, 2020, I caused the foregoing to be electronically
3 filed with the clerk of the Court using the CM/ECF System which in turn
4 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
5 who are registered users of the CM/ECF system. The NEF for the foregoing
6 specifically identifies recipients of electronic notice.

s/ Geana M. Van Dessel
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Attorneys for Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC